

## Message Text

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12

ACTION AEC-11

INFO OCT-01 EA-11 ISO-00 SCI-06 NAS-01 L-03 CIAE-00

DODE-00 INR-10 NSAE-00 PA-04 RSC-01 USIA-15 PRS-01

SP-03 NSF-04 DRC-01 /072 W

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R 260550Z APR 74

FM AMEMBASSY TOKYO

TO SECSTATE WASHDC 1542

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E.O. 11652: N/A

TAGS: TECH, JA, US

SUBJ: ABCC

REF: TOKYO 5216

SUMMARY: EMBOFFS MET WITH FOREIGN MINISTRY OFFICIALS ON APRIL 23 FOR BRIEFING ON JAPANESE DRAFT OF ABCC AGREEMENT. JAPANESE EXPECT MAKE THEIR DRAFT PROPOSAL AVAILABLE EMBASSY WEEK OF APRIL 29 AND PROPOSE START FIRST NEGOTIATING SESSION IN TOKYO MAY 22. DR. ALLEN OF ABCC URGES THAT US NEGOTIATING TEAM VISIT ABCC PRIOR TO START OF NEGOTIATIONS. ACTION REQUESTED: ADVICE RE FEASIBILITY OF STARTING NEGOTIATIONS IN TOKYO ON MAY 22 AND PRIOR VISIT TO ABCC. END SUMMARY.

1. AS STATED REFTEL, SCICOUNS ACCOMPANIED BY EMBASSY POLITICAL OFFICER AND AEC SCIREP MET WITH MATSUURA OF MOFA, TSUNASHIMA OF MH&W, AND OTHERS ON APRIL 23 FOR BRIEFING ON OVERALL ABCC AGREEMENT. MATSUURA NOTED THAT THEY HAD NOT YET OBTAINED FINAL MANAGEMENT CLEARANCE ON THEIR DOCUMENTS, THEREFORE BRIEFING WAS INFORMAL AND UNOFFICIAL. HE EXPECTED THAT TRANSLATION WOULD BE COMPLETED AND MANAGEMENT CLEARANCE OBTAINED WITHIN NEXT FEW DAYS AND THAT FINAL PACKAGE WOULD BE PRESENTED TO EMBASSY

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SOMETIME DURING WEEK OF APRIL 29.

2. MATSUURA'S DESCRIPTION OF DRAFT CHARTER ESSENTIALLY SAME AS THAT PROVIDED BY TSUNASHIMA AND REPORTED REFTEL. HOWEVER, CONTRARY TO TSUNASHIMA'S COMMENTS, MATSUURA INDICATED THAT DELETION OF REFERENCE TO JOINT NATURE OF INSTITUTE WAS INTENTIONAL SINCE UNDER JAPANESE LAW NEW FOUNDATION WOULD BE PRIVATE, NOT GOVERNMENTAL ORGANIZATION.

3. IN ADDITION INFO ON PROPOSED CHARTER PROVIDED REFTEL, MATSUURA PROVIDED SEVERAL ADDITIONAL DETAILS INCLUDING:

A. A FOUNDING COMMITTEE CONSISTING OF US AND JAPANESE NATIONALS WOULD BE ESTABLISHED TO PREPARE FORMAL CHARTER OR ACT OF ENDOWMENT FOR SUBMISSION TO MINISTER OF HEALTH AND WELFARE FOR APPROVAL. FOUNDING COMMITTEE WOULD ALSO DESIGNATE BOARD OF DIRECTORS. ONCE FOUNDATION ESTABLISHED, BOARD WOULD BE SELF-PERPETUATING. PROPOSED CHARTER CONTAINS NO PROVISIONS RE QUALIFICATIONS OF DIRECTORS OTHER THAN THAT HALF MUST BE JAPANESE AND HALF AMERICANS. EMBASSIES SUGGESTED THEY CONSIDER LEGALITY OF ADDING REQUIREMENT THAT THEY BE SELECTED FROM NOMINEES OF RESPECTIVE GOVERNMENTS.

B. SINCE IT WILL BE PRIVATE FOUNDATION, JAPANESE GOVERNMENT CANNOT MAKE GOVERNMENT LAND AVAILABLE RENT FREE BUT MUST CHARGE FOR IT.

C. UNDER JAPANESE LAW THERE CAN BE NO SPECIAL PRIVILEGES, TAX OR OTHERWISE, GRANTED TO THIS TYPE OF ORGANIZATION.

4. THE INTERGOVERNMENTAL AGREEMENT, WHICH WOULD BE AN EXCHANGE OF NOTES, PROVIDES:

A. EACH GOVERNMENT WILL TAKE STEPS, WITHIN EXISTING LAWS AND REGULATIONS, TO EXPEDITE ESTABLISHMENT OF INSTITUTE.

B. BOTH SIDES WILL JOINTLY PARTICIPATE IN OPERATION OF THE INSTITUTE.

C. INSTITUTE TO BE ESTABLISHED EFFECTIVE APRIL 1, 1975.

D. BOTH SIDES WILL CONTRIBUTE EQUALLY TO FINANCIAL REQUIREMENTS WITHIN THEIR RESPECTIVE LAWS AND REGULATIONS AND SUBJECT TO APPROPRIATIONS.  
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E. BOTH SIDES WILL CONSULT AS APPROPRIATE TO RESOLVE ANY PROBLEMS THAT ARISE IN ESTABLISHMENT OR OPERATION OF INSTITUTE; AND

F. AGREEMENT WOULD BE EFFECTIVE FOR THREE YEARS AND THEN AUTOMATICALLY RENEWED ANNUALLY. ACCORDING MATSUURA, IF DURATION MORE THAN THREE YEARS, DIET APPROVAL REQUIRED.

5. MATSUURA REITERATED SEVERAL TIMES THAT DESPITE APP-

AREN'T DIFFERENCES FROM US PROPOSAL, THESE WERE MAINLY DIFFERENCES IN FORM RATHER THAN SUBSTANCE AND THAT, TO EXTENT LEGALLY POSSIBLE, THEY HAD INCORPORATED ALL FEATURES OF US PROPOSAL.

6. TIMING OBJECTIVE OF JAPANESE SIDE IS TO COMPLETE NEGOTIATIONS BY END OF JULY TO PROVIDE BASIS FOR SUPPORT OF THEIR BUDGET REQUEST TO MINISTRY OF FINANCE. THEREFORE, THEY PROPOSE THAT FIRST NEGOTIATING SESSION BE HELD IN TOKYO BEGINNING MAY 22. EMBOFFS AGREED ADVISE WASHINGTON OF THIS REQUEST. IN SUBSEQUENT CONVERSATION WITH DR. ALL OF ABCC HE STRONGLY URGED THAT US NEGOTIATING TEAM VISIT ABCC AT HIROSHIMA PRIOR TO OPENING SESSION SO THAT ALL MEMBERS OF TEAM WOULD BE FAMILIAR WITH ABCC OPERATION AND PROBLEMS.

7. PLEASE ADVISE ON FEASIBILITY OF STARTING NEGOTIATIONS IN TOKYO ON MAY 22 (ON ASSUMPTION JAPANESE DRAFT PROVIDED WEEK OF APRIL 29) AND VISITING ABCC PRIOR THAT DATE.  
SHOESMITH

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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** WAGES, AGREEMENT DRAFT, FINANCIAL CONTRIBUTIONS, CONTRACTS, LABOR OBJECTIVES  
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**Draft Date:** 26 APR 1974  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** GolinoFR  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
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**Original Handling Restrictions:** n/a  
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